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8 UNITED STATES DISTRICT COURT

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10 NORTHERN DISTRICT OF CALIFORNIA

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13 DEBORAH WILSON,

14 Plaintiff,

15 v.

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17 COMPASS VISION, INC.; and NATIONAL
MEDICAL SERVICES, INC., d/b/a NMS
LABS,

18 Respondent.

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20 Case No.: 3:07-cv-03431 BZ

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**DECLARATION OF PAUL A MOORE III
IN SUPPORT OF ADMINISTRATIVE
MOTION PURSUANT TO LOCAL RULE
7-11 TO CONTINUE HEARING ON
DEFENDANTS' MOTION TO DISMISS**

**Time: 10:00 am
Date: December 5, 2007
Crtrm: G – 15th Floor
Hon. Bernard Zimmerman**

I, Paul A. Moore, III, declare as follows:

1. I am not a party in this matter. I have personal knowledge of the facts stated herein below, and if called as a witness I could competently testify to these facts.

2. I am submitting this declaration in support of Plaintiff Deborah Wilson's administrative motion pursuant to Local Rule 7-11 to continue the hearing on Defendants' motion to dismiss which is currently scheduled for December 5, 2007 until Wednesday, December 19, 2007.

3. On Thursday, November 29, 2007, I spoke with Mr. Christian Green, counsel for Defendant National Medical Services, Inc., dba NMS Labs (“National Medical Services, Inc.”), to determine if National Medical Services, Inc. would be willing to jointly stipulate to continue the hearing currently scheduled for December 5, 2007 until December 19, 2007. Mr. Green inquired as to whether the other Defendant Compass Vision, Inc. (“Compass Vision”) was willing to sign a joint stipulation to continue the hearing. Mr. Green also said he would check with his client and get back to me.

4. Later on Thursday, November 29, 2007, I spoke with Ms. Catherine Salah, counsel for Defendant Compass Vision, Inc. regarding signing a joint stipulation to continue the hearing on Defendants' motion to dismiss. Ms. Salah confirmed that Defendant Compass Vision, Inc. would sign a stipulation continuing the hearing until Wednesday, December 19, 2007.

5. I sent an email to Mr. Green informing him that Defendant Compass Vision, Inc., was willing to join a stipulation to continue the hearing set for December 5, 2007 until December 19, 2007.

6. I followed up with Mr. Green on Friday, November 30, 2007. Mr. Green's voice mail said that he was in court and would be out of the office all day. I spoke with Mr. Green's paralegal Tom Malendra. Mr. Malendra attempted to leave a message for Mr. Green to contact me on Friday. I left a voice message for Mr. Green Friday evening informing him that we would be filing this administrative motion first thing Monday morning. I have yet to receive a response from Mr. Green.

7. Mr. Perlberger, lead counsel for Deborah Wilson, is in trial until Wednesday, December 5, 2007. As lead counsel, Mr. Perlberger is the most appropriate person to argue the motion. Plaintiff is seeking a continuance so that Mr. Perlberger can argue at the hearing on defendants' motion to dismiss. A true and correct copy of Mr. Perlberger's declaration is attached as Exhibit 1.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 3rd day of December, 2007, at San Francisco, California.

Respectfully submitted,

By:

Paul A. Moore III

EXHIBIT 1

JOSHUA A. RIDLESS (SBN No. 195413)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH WILSON,

Plaintiff,

v.

COMPASS VISION, INC.; and NATIONAL MEDICAL SERVICES, INC., d/b/a NMS LABS,

Respondent.

Case No.: 3:07-cv-03431 BZ

DECLARATION OF NORMAN PERLBERGER RE ORAL ARGUMENT ON MOTION TO DISMISS

Complaint Filed: May 22, 2007

Judge: Hon. Bernard Zimmerman
Trial Date: Not Set

I, NORMAN PERLBERGER, Esquire, hereby make the following declarations: I am out-of-state counsel for plaintiff Deborah Wilson in the above matter, and was admitted *pro hac vice* in the case as of November 20, 2007. Motions to Dismiss have been filed by defendants and are scheduled for oral argument on December 5, 2007, and it is my intention, as lead counsel, to appear and present oral argument in opposition to said Motion on behalf of the plaintiff; however, I am presently engaged in a jury trial in the Court of Common Pleas of Philadelphia County, in the case of Small v. Temple Hospital et al., September Term, 2005, No. 1393, and the trial is not expected to conclude until December 5, 2007

or after. I therefore seek to have oral argument on this Motion continued to the following week (December 12) or the week thereafter (December 19), when I may appear and argue on behalf of plaintiff Deborah Wilson.



A handwritten signature in black ink, appearing to read "Norman Perlberger". Below the signature is a horizontal line, and underneath the line is the printed name "NORMAN PERLBERGER, ESQUIRE".

DATED: 11/29/07